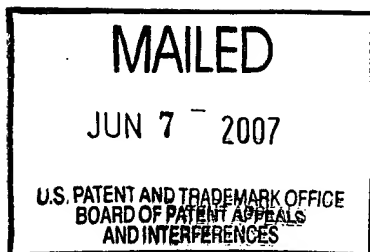


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte MICHAEL ROSENBLUM
and
LAURA K. SHAWVER

Application 09/320,156

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on May 14, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being electronically returned to the examiner. The matter requiring attention prior to docketing is identified below:

An examination of the Image File Wrapper (IFW) reveals that an Appeal Brief was filed on January 17, 2003.

Pages 2 and 3 of the Appeal Brief partially read as follows:

STATUS OF AMENDMENTS

Subsequent to the final rejection mailed May 23, 2002, Applicants submitted a Response After Final which amended claims 16-18 and cancelled claims 15 and 19. In an Advisory Action mailed November 19, 2002, the amendments were not entered into the record.

The Examiner's Answer mailed April 22, 2003 states:

The appellant's statement of the status of amendments after final rejection contained in the brief is correct [page 3, "Status of Claims"] .

It should be noted that the Appendix to the Appeal Brief filed September 14, 2006 appears to incorporate the wording of the Amendment submitted August 14, 2002, which, according to the Advisory Action mailed November 19, 2002, was not entered. Clarification is required regarding the entry status of the Amendment filed November 19, 2002, and the accuracy of the claims appearing in the Claims Appendix of the Appeal Brief filed September 14, 2006.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1) for clarification regarding the entry status of the Amendment filed August 14, 2002;

2) if appropriate, for notification to appellants to submit an amended Appeal Brief which corrects the "Claims Appendix" (especially with regard to claims 16 and 17) or for the examiner to issue a PTO-90 reflecting a correct copy of claims 16 and 17;

3) for consideration of said amended Appeal Brief (provided a PTO-90 is not issued); and

4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: *Patrick J. Nolan*
PATRICK J. NOLAN
Deputy Chief Appeals Administrator
(571) 272-9797

PJN:psb

David L. Parker
Fulbright & Jaworski LLP
600 Congress Avenue – Suite 2400
Austin, TX 78701